

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARY WALSH and)
BEVERLY NANCE,)
)
Plaintiffs,)
)
)
) Case No. 4:18-cv-1222
)
FRIENDSHIP VILLAGE OF SOUTH)
COUNTY d/b/a FRIENDSHIP VILLAGE)
SUNSET HILLS and)
FV SERVICES, INC.,)
)
Defendants.)

DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS

Pursuant to Federal Rule of Civil Procedure 12(c), Defendants Friendship Village of South County d/b/a Friendship Village Sunset Hills (“Friendship Village” or “Defendant Friendship Village”) and FV Services, Inc. (“FV Services” or “Defendant FV Services”) (collectively, “Defendants”) respectfully move this Court for an order dismissing all of the claims in Plaintiffs’ Complaint, with prejudice. In support of their motion, Defendants state:

1. Plaintiffs are two individuals who allege that Friendship Village engaged in discriminatory housing practices, specifically on the basis of Plaintiffs’ sex, in violation of the Fair Housing Act (“FHA”) and the Missouri Human Rights Act (“MHRA”).

2. Defendants now move for the following relief:

a. Plaintiffs’ claims under the FHA should be dismissed with prejudice because Plaintiffs’ failed to state a claim for sex discrimination.

b. Plaintiffs' claims under the MHRA should be dismissed with prejudice because the pleadings as a whole demonstrate that Plaintiffs did not (and cannot now) exhaust administrative remedies under the MHRA.

i. Even if the Court does not agree with Defendants' assessment of the exhaustion issue, the Court should still dismiss Plaintiffs' MHRA claims due to the loss of supplemental jurisdiction from the dismissal of the FHA claims.

c. All of Plaintiff's claims against Defendant FV Services should be dismissed with prejudice because Plaintiffs failed – and are unable – to plead sufficient facts to support any of their claims against FV Services.

3. Defendants have filed contemporaneously herewith a brief in support of this motion, which Defendants incorporate into this motion.

For the foregoing reasons, Defendants move the Court for an order granting them judgment on the pleadings, dismissing with prejudice all of Plaintiffs' claims, and awarding Defendants any other relief this Court deems just and proper.

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Brad Hiles

Brad Hiles, #28907MO
Brian Stair, #67370MO
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
Phone: 314-480-1500
Fax: 314-480-1505
brad.hiles@huschblackwell.com
brian.stair@huschblackwell.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that the foregoing was filed with the Court via the Court's CM/ECF System and thus served upon all parties of record this 14th day of August, 2018.

/s/ Brad Hiles _____